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SENATE BILL 674

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO INFORMATION TECHNOLOGY; CLARIFYING THE DEPARTMENT OF INFORMATION TECHNOLOGY'S AUTHORITY TO PROVIDE BROADBAND AND ADVANCED COMPUTING SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 15-2-1 NMSA 1978 (being Laws 1980, Chapter 151, Section 9, as amended) is amended to read:

"15-2-1. TELECOMMUNICATIONS SERVICES.--

A. The secretary of information technology may hire a communications engineer to oversee the engineering responsibilities of the department of information technology. The communications engineer shall have a degree in either electrical engineering with an electrical communications specialty or in electronics engineering.

B. In providing telecommunications services

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1 pursuant to Chapter 15 NMSA 1978, the department of information
2 technology shall not provide telecommunications services,
3 including telephone, data and broadband services, to an entity
4 other than those authorized pursuant to Section 15-5-1 NMSA
5 1978, except as is necessary to facilitate a state-mandated
6 program, including distance education, telehealth or school-
7 based health center programs and to facilitate access to a
8 nonprofit corporation formed pursuant to the University
9 Research Park and Economic Development Act for use of state-
10 owned advanced computing capacity and, at a price no less than
11 the value of the services to the state, to a private entity
12 pursuant to Subsection C of this section.

13 C. In addition to the authority granted in
14 Subsection B of this section, the department of information
15 technology may lease broadband capacity from a
16 telecommunications company, and, to the extent the department
17 has excess capacity under that lease, it may lease that excess
18 capacity or a portion of that excess capacity, at a price no
19 less than the value of that capacity to the state, to a private
20 entity to do research and development in collaboration with the
21 state-owned advanced computing capacity authorized in
22 Subsection 7 of Section 61 of Chapter 42 of Laws 2007.

23 D. Before expansion or upgrade of a state-owned or
24 state-funded telecommunications network, whether voice, data or
25 video transmission, the department shall prepare a plan

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1 consistent with state law and applicable rules that includes an
2 assessment of how the project would potentially affect local
3 telecommunications service providers and telecommunications
4 service ratepayers."

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